S.B.Civil Writ Petition No.483/2005
Kishan Lal
vs
Bheru Lal & Ors.

DATE OF ORDER : - 28.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. J.K.Bhaiya, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner by this writ petition has challenged the order dated 11.1.2002 by which the petitioner's application filed under Order 13 Rule 2 CPC was dismissed by the trial court.

According to learned counsel for the petitioner, the documents were relevant and necessary documents and the genuineness of the documents cannot be questioned. It is also submitted that delay could have been compensated by court below by payment of cost.

It appears from the order dated 11.1.2002 that the documents are sought to be produced after the closure of the evidence of the applicant -non-petitioner and the court below found that all the documents were in power and possession of the petitioner. Whether the petitioner

disclosed a valid, sufficient or good cause for non-production of the documents was examined by the trial court and, therefore, the trial court has acted within jurisdiction. Therefore, this court is not inclined to interfere in the impugned order dated 111.2002 in limited scope under Article 227 of the Constitution of India. However, the petitioner will be free to challenge the said order in appeal in case any occasion arises for the petitioner to challenge in appeal after the ultimate decision in the main proceedings.

Hence, the writ petition of the petitioner is dismissed with liberty.

(Prakash Tatia), J.

c.p.goyal/-